

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

THOMAS D. HARRIS,

Plaintiff,

ORDER

v.

13-cv-408-wmc

C.O. SCHALLER, *et al.*,

Defendants.

State inmate Thomas Harris filed a proposed civil action pursuant to 42 U.S.C. § 1983, concerning the conditions of his confinement. On June 20, 2013, the court ordered him to make an initial partial fee payment of \$149.50 toward the \$350.00 filing fee in compliance with the federal *in forma pauperis statute* and the Prison Litigation Reform Act ("PLRA"), 28 U.S.C. § 1915(b)(1). (Dkt. # 5). That order advised Harris that the court would dismiss his lawsuit without further notice if he failed to comply as directed by July 12, 2013.

To date, Harris has failed to comply as directed by tendering the initial partial filing fee as required by the PLRA. Accordingly, under the inherent power necessarily vested in a court to manage its own docket, the complaint will be dismissed without prejudice for want of prosecution. *See* FED. R. CIV. P. 41(a); *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962); *Ohio River Co. v. Carrillo*, 754 F.2d 236, 238 n.5 (7th Cir. 1984).

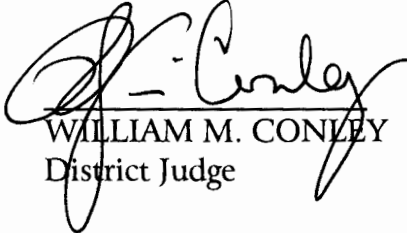
ORDER

IT IS ORDERED that:

1. The complaint filed by plaintiff Thomas Harris is DISMISSED without prejudice pursuant to Fed. R. Civ. P. 41(a). The clerk's office shall terminate all pending motions and close this case.
2. Harris may seek leave to re-open this case *only* if he makes the initial partial filing fee payment of \$149.50 within ten days. Otherwise, Harris must re-file his complaint as a new case.

Entered this 30th day of July, 2013.

BY THE COURT:



WILLIAM M. CONLEY
District Judge